

REMARKS

The indication that claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged. Claim 14, which depends upon claim 1, has been retained in dependent form since claim 1 is considered to be in condition for allowance in light of the submission of a terminal disclaimer and amendment, as will be discussed below, such that claim 14 should be in condition for allowance together with its parent claim.

By the present amendment, an informality in claim 1 has been corrected in that the term "digital" was inadvertently not included in the presently amended phrase of "the digital audio information". Also, by the present amendment, new claims 15 - 18 have been presented which are directed to the apparatus for transmitting and receiving digital information.

As to the rejection of claims 1 - 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 10 of US Patent No. 6,590,726, as recognized by the Examiner, such rejection can be overcome by the submission of a terminal disclaimer. Although applicants do not acquiesce in the propriety of the obviousness-type double patenting rejection, as set forth, in order to expedite issuance of this application, submitted herewith is a terminal disclaimer and the statutory fee therefor. Thus, applicants submit that the rejection of claims 1 - 10 should now be overcome and claims 1 - 10 and the objected to claim 14 should now be in condition for allowance.

With respect to newly added claims 15 - 18, applicants submit that independent claims 15 and 17 recite features of an apparatus including a transmitting part and a receiving part having features which are not disclosed or

taught in the art of record and which are subject to the terminal disclaimer submitted herewith, such that applicants submit that claims 15 - 18 should also be in condition for allowance at this time.

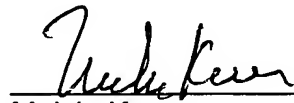
Also, submitted herewith is an information disclosure statement, and consideration of the document submitted is respectfully requested.

For the foregoing reasons, applicants submit that all claims present in this application should now be in condition for allowance and issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.30304C14), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Melvin Kraus
Registration No. 22,466

MK/jla
(703) 312-6600